

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION

3
4 BENCH SESSION

5 (PUBLIC UTILITY)

6 Chicago, Illinois
7 Wednesday, January 5, 2011

8
9
10 Met, pursuant to notice, at 3:30 p.m. in
11 the N808, Eighth Floor, 160 North LaSalle Street,
12 Chicago, Illinois.

13
14 PRESENT:

15 MANUEL FLORES, Acting Chairman

16 LULA M. FORD, Commissioner

17 ERIN M. O'CONNELL-DIAZ, Commissioner

18 SHERMAN J. ELLIOTT, Commissioner
19 via videoconference

20 JOHN T. COLGAN, Acting Commissioner
21 via videoconference

22 SULLIVAN REPORTING COMPANY, by
 Alisa A. Sawka, CSR
 License No. 084-004588

1 PROCEEDINGS

2 (The Transportation portion of
3 the proceedings was held at
4 this time and is contained in a
5 separate transcript.)

6 ACTING CHAIRMAN FLORES: Pursuant to the
7 provisions of the Illinois Open Meetings Act, I now
8 convene a regularly scheduled session -- Bench
9 session of the Illinois Commerce Commission. With me
10 in Chicago are Commissioner Ford and O'Connell-Diaz,
11 and with us in Springfield are Commissioners Elliott
12 and Colgan. I am Chairman Flores. We have a quorum.

13 Before moving into the agenda,
14 according to Section 1700.10 of the Illinois
15 Administrative Code, this is the time we allow the
16 members of the public to address the Commission.
17 Members of the public wishing to address the
18 Commission must notify the Chief Clerk's Office at
19 least 24 hours prior to the Bench session. According
20 to the Chief Clerk's Office, we have no requests to
21 speak at today's Bench session.

22 Moving on to the Public Utility

1 agenda. We will begin with the Electric portion.

2 Item E-1 concerns ComEd's proposed tariff sheet to

3 revise the purchased electricity adjustment of factor

4 Rider PE by extending the maximum amortization period

5 from 3 months to 12 months. Staff recommends that

6 the Commission allow the Company's request by not

7 suspending the filing.

8 I will make a motion to not suspend

9 the filing.

10 Is there a second?

11 COMMISSIONER FORD: Second.

12 ACTING CHAIRMAN FLORES: Thank you. It's been

13 moved and seconded.

14 All in favor say "aye."

15 (Chorus of ayes.)

16 ACTING CHAIRMAN FLORES: Any opposed?

17 (No response.)

18 ACTING CHAIRMAN FLORES: The vote is 5-0, and

19 the filings will not be suspended.

20 We will use the 5-0 vote for the

21 remainder of the Public Utility agenda unless

22 otherwise noted.

1 Item E-2 concerns Docket No. 10-0467.
2 This is the ComEd rate case and before us today is a
3 Petition for Interlocutory Review brought by the
4 Attorney General concerning a motion to strike
5 portions of the testimony of Roger Colton that was
6 granted by the Administrative Law Judges in this
7 case, Administrative Law Judges Dolan and Sainsot
8 recommend that the Commission deny the petition.

9 Any discussion by any of the
10 Commissioners?

11 COMMISSIONER O'CONNELL-DIAZ: If I might have
12 the ALJs kind of walk us through this matter.

13 JUDGE SAINSOT: Briefly, the testimony that's
14 at issue chiefly concerns the bad state of the
15 economy in the United States and the fact that poor
16 people or the working poor have a tougher time of it
17 in bad economic situations. And I think the AG
18 rightfully pointed out that Section 1-102 of the
19 Public Utilities Act always requires us to consider
20 the impact of rates on people who are struggling
21 economically.

22 And I think our problem with this

1 testimony is not that the subject of the evidence is
2 wrong, it's that these are facts that we know these
3 are not -- these are facts that are obvious, just
4 like it's cold in Chicago in wintertime. These are
5 not facts that are properly the subject of expert
6 testimony because they are obvious.

7 And I would also point out,
8 additionally, that there are other ways to get this
9 type of evidence into the record without using an
10 expert. And the reason this is important is because
11 experts are supposed to guide us. They're supposed
12 to teach us things. Experts are supposed to bring us
13 up to speed in a certain area. The testimony that's
14 at issue here doesn't do that. It just tells us what
15 every man on the street already knows and what we
16 know.

17 So, again, certainly Judge Dolan and I
18 are very concerned about the state of the economy.
19 And we're also very concerned about the impact that
20 any rate increase that ComEd -- that this docket
21 might ultimately impose, any impact that would have
22 on poor people or the working poor.

1 But we also have to follow the rules
2 of evidence. And the rules of evidence don't allow
3 experts -- expert opinions on everyday facts that
4 everybody knows else wise. So that is the basis for
5 granting the motion.

6 JUDGE DOLAN: And then, of course, just the
7 other part of it is we also struck his testimony
8 concerning the alternative regulation plan because
9 it's not pertinent to our docket. It's another
10 docket that's actually being held by Judge Haynes,
11 and that testimony was more appropriate for that
12 docket. And we've also struck some ComEd testimony
13 that also addressed that issue. We're trying to just
14 keep our docket straight without bringing in
15 testimony of another docket that has nothing to do
16 with our case. So...

17 COMMISSIONER O'CONNELL-DIAZ: So this motion,
18 in fact, is a two-pronged motion seeking to include
19 information or have us import information from
20 another docket. Is that fair?

21 JUDGE DOLAN: Well, he addresses the
22 alternative regulation.

1 COMMISSIONER O'CONNELL-DIAZ: His testimony
2 does?

3 JUDGE DOLAN: Yes. Exactly. Yes.

4 COMMISSIONER O'CONNELL-DIAZ: Exactly. Right.
5 Which is another docket, so that would be appropriate
6 in that docket and not this docket.

7 JUDGE DOLAN: Exactly. Yes.

8 COMMISSIONER O'CONNELL-DIAZ: And this is a
9 motion filed by the AG?

10 JUDGE DOLAN: That's correct.

11 COMMISSIONER O'CONNELL-DIAZ: Well, certainly,
12 I mean, it's -- I believe that anytime the Commission
13 looks at any cost issue it's about how's that going
14 to impact rates, how that's going to impact the
15 people on the street. I find it kind of funny
16 because I think last week we were voting on energy
17 efficiency matters and I think it was the CUB witness
18 that said, Yeah, there's going to be a cost, we're
19 not sure if there's going to be a benefit, but let's
20 go do it.

21 So I find this -- you know, there's
22 always costs involved in things and the notion that

1 the Commission is not cognizant on that on every
2 single move that we make in our deliberations and in
3 our thought process is troubling that someone would
4 think we don't think about that.

5 And from what I'm hearing this is --
6 from what you're suggesting that this information
7 contained in this -- many page -- is something that
8 we could almost take administrative notice of, you
9 know, there's economic meltdown and hopefully we're
10 maybe on the upside of that, but it's a very big
11 challenge for people to -- and not just working for
12 families for people to meet their expenses. So it's
13 something germane to the public. I don't think -- I
14 agree with you. I think it's something that we don't
15 need an expert to come and tell us that there's
16 problems in our financial sector of the country.
17 So...

18 ACTING CHAIRMAN FLORES: Any comments?
19 Questions?

20 COMMISSIONER COLGAN: I disagree with the fact
21 that this is common knowledge. I don't think it is.
22 I think this is an expert -- a nationally known

1 expert. He makes a case whether or not any of us
2 would consider it in the final decision would be our
3 own choice, but the Public Utilities Act requires us
4 to give a fair treatment to consumers and investors.

5 I see no harm in allowing this
6 evidence to be in the record. The witness comes to
7 some conclusions in his testimony and all of these
8 conclusions are supported by the evidence. And if we
9 remove the evidence, then what basis do we have to
10 consider his conclusion? So I'm in favor of leaving
11 it in.

12 COMMISSIONER FORD: I guess my only situation
13 was does this request exceed the boundaries of the
14 Rules of Evidence?

15 JUDGE SAINSOT: The request to -- for
16 Mr. Colton's --

17 COMMISSIONER FORD: Mm-hmm.

18 JUDGE SAINSOT: Well, that's the whole basis --
19 well, let me back up so I'm clear. The request to
20 keep Mr. Colton's evidence in, although --

21 JUDGE DOLAN: Testimony.

22 JUDGE SAINSOT: Sorry -- testimony -- keep in

1 mind that the evidentiary hearing starts next week so
2 it hasn't been admitted.

3 But that's the whole basis for our
4 granting the motion to dismiss is experts -- expert
5 testimony is supposed to be testimony that's about
6 things that common -- that are not common knowledge.
7 And if you read Mr. Colton's testimony, I didn't find
8 anything in there -- any of his conclusions, at any
9 rate, that I didn't know from being an American
10 citizen. And that is -- was the basis.

11 And, again, I think we're very
12 cognizant of the fact that we have to consider the
13 economic impact of any rate increase that might
14 occur. That is not what the ruling is about,
15 rather -- or the ruling striking Mr. Colton's
16 testimony is about. Rather Judge Dolan and I feel
17 that we ought not to get in the habit of having
18 experts testify about things that are not expert --

19 JUDGE DOLAN: Subjects.

20 JUDGE SAINSOT: -- subjects. Thank you, Judge
21 Dolan.

22 COMMISSIONER O'CONNELL-DIAZ: Of course, on the

1 flip side of this, given that the hearings are going
2 to take place next week then this would be ripe for
3 cross-examination or disregard by the trier of fact
4 as not relevant once that's developed on the witness
5 stand.

6 So I guess -- I think you have a
7 position of precedent. If we start doing this, we
8 kind of open up the door to a lot of other things
9 that should not be, kind of to Commission Ford's
10 point. But, again, on the other side, is there great
11 harm in that there is a way to clear up or for the
12 inquiry to be had of this proffered testimony?

13 JUDGE SAINSOT: Well, it would depend on the
14 cross-examination. It would depend on their -- we
15 only looked at this one factor. It's possible -- and
16 I can't speak for Judge Dolan's mind, and I can tell
17 you that my mind is totally blank, but it's possible
18 that the evidence is inadmissible for other reasons.
19 I just haven't thought about that and nothing's hit
20 me in the face. So there are other reasons.

21 But the record --

22 COMMISSIONER O'CONNELL-DIAZ: But that will

1 become evident at the hearing, though.

2 JUDGE SAINSOT: It should.

3 JUDGE DOLAN: Yeah.

4 JUDGE SAINSOT: Yeah, it should.

5 The record in this case is voluminous,
6 though.

7 ACTING CHAIRMAN FLORES: Any other comments?

8 COMMISSIONER ELLIOTT: I just -- I would
9 comment I'm generally in favor of having more in the
10 record than less, and I'm comfortable with giving
11 whatever weight the testimony is due.

12 So I would be inclined to -- in this
13 particular case, accept that -- as an economist I
14 have no problems being reminded of the state of the
15 economy. I think sometimes when we're engaged in
16 these mundane matters day to day, sometimes we don't
17 lift our heads to look and see what the average guy
18 on the street is looking at.

19 So to be reminded is -- I see no harm.
20 And, you know, I give the evidence what it's due. So
21 I would support including it in the record.

22 ACTING CHAIRMAN FLORES: Very well.

1 COMMISSIONER O'CONNELL-DIAZ: So you support
2 both of the -- it seems like there's two prongs to --
3 COMMISSIONER ELLIOTT: No, I -- the alt reg
4 testimony is -- I would see as a little troubling if
5 it's not germane to the rate case.
6 COMMISSIONER FORD: Right.
7 That -- I would go with that
8 suggestion also. That that's -- preferring more
9 evidence regarding another subject and another
10 docket. So I would like to see that taken out also.
11 But I could -- we can have more evidence if that's --
12 and the ALJs can work it out.
13 ACTING CHAIRMAN FLORES: So the concern -- so
14 if I can just make sure that the record is clear. So
15 are we talking -- is there some consensus that the
16 alternative regulation testimony, should that be
17 included or excluded?
18 COMMISSIONER O'CONNELL-DIAZ: Excluded.
19 COMMISSIONER FORD: Excluded.
20 COMMISSIONER ELLIOTT: Excluded.
21 ACTING CHAIRMAN FLORES: Commissioner Colgan?
22 COMMISSIONER COLGAN: I agree.

1 ACTING CHAIRMAN FLORES: Okay. And so that the
2 information provided by Mr. Colton on the state of
3 the economy, the impact on low-income, moderate
4 increase ratepayers, that stays in?

5 COMMISSIONER FORD: Yes.

6 ACTING CHAIRMAN FLORES: Very well. Okay.

7 I also -- just so that the record
8 is -- reflects my personal statements, my personal
9 sentiment on this matter, I'm also interested in
10 having more -- having a more complete record. So to
11 the extent that the expert can provide expert
12 testimony on the state of the economy, I believe that
13 that is germane and it should be allowed.

14 But I also agree that there are limits
15 to expert testimony. And that if it is concerning
16 testimony regarding another pending case, that there
17 would be no prejudice done to the intervenor that
18 they would have the opportunity to bring on that
19 expert in that particular docket for the purposes of
20 providing that testimony.

21 So I would also hold with the -- with
22 my colleagues here in that we allow -- that we

1 overrule the -- in part the Administrative Law
2 Judges' recommendation to deny the motion as it
3 speaks to the expert testimony provided by Mr. Roger
4 Colton on the issue of the state of the economy as
5 well as the impact on low income and -- on the impact
6 on ratepayers.

7 I would -- we sustain the ruling that
8 the expert testimony on the issue of the alternative
9 regulation is outside the scope and that it is --
10 that it should be heard in another case if the
11 intervenor so decides to introduce that evidence in
12 that case.

13 So I did say that I was going to use
14 the most -- the last most favorable vote, which is
15 5-0. So I will use that vote for both of those
16 rulings.

17 Very well. Moving on to Items E-3
18 through E-5. They will be taken together. These
19 items are applications for licensure as an Agent,
20 Broker and Consultant under 16-115C of the Public
21 Utilities Act. In each case Administrative Law Judge
22 Yoder recommends that the Commission enter an Order

1 granting the requested certificate.

2 Any discussion.

3 (No response.)

4 ACTING CHAIRMAN FLORES: Any objections?

5 (No response.)

6 ACTING CHAIRMAN FLORES: Hearing none, the

7 Orders are entered and the Certificates are granted.

8 Item E-6 is Docket No. 10-0640. This

9 is the ComEd's petition regarding the Payment

10 Assistant Plan including its Percentage of Income

11 Payment Plan or PIPP. The parties to this case have

12 entered into a stipulated agreement settling all

13 issues in this docket and Administrative Law Judge

14 Kimbrel recommends that the Commission enter an Order

15 approving the plan.

16 Commissioner Colgan, any discussion?

17 COMMISSIONER COLGAN: Yeah, I'm going to recuse

18 myself from this case -- this docket and not vote.

19 ACTING CHAIRMAN FLORES: Very well.

20 COMMISSIONER COLGAN: I was just too involved

21 in the negotiations on PIPP.

22 ACTING CHAIRMAN FLORES: Very well. Thank you,

1 Commissioner Colgan.

2 Just so that the record is accurate,
3 I'd like to take a roll call.

4 Commissioner Ford.

5 COMMISSIONER FORD: Aye.

6 ACTING CHAIRMAN FLORES: Commissioner
7 O'Connell-Diaz.

8 COMMISSIONER O'CONNELL-DIAZ: Aye.

9 ACTING CHAIRMAN FLORES: Commissioner Elliott.

10 COMMISSIONER ELLIOTT: Aye.

11 ACTING CHAIRMAN FLORES: Chairman Flores votes
12 aye and Commissioner Colgan has recused himself from
13 voting on this matter. The vote is 4-0 to approve
14 the plan.

15 Turning now to the gas, Item G-1 is
16 Docket No. 10-0562. It is Nicor's Energy Efficiency
17 case. Before us today is a Petition for
18 Interlocutory Review brought by Northern Illinois
19 Municipal Franchise Gas Consortium concerning a
20 motion to exclude testimony from the Consortium that
21 was granted by Administrative Law Judge Kimbrel in
22 this case. Administrative Law Judge Kimbrel

1 recommends that the Commission deny the Consortium's
2 Petition for Interlocutory Review.

3 Is there any discussion?

4 (No response.)

5 ACTING CHAIRMAN FLORES: Very well. I believe
6 that the interlocutory review should be granted. I
7 read the material in this matter, some of the
8 testimony and obviously also Judge Kimbrel's
9 position. I do believe that the Consortium has made
10 valid points about the role of collaboration in
11 developing Energy Efficiency Plans. And included in
12 this testimony is consistent with a breadth of issues
13 that we had -- that had been in part of -- that have
14 been part of the testimony in previous energy
15 efficiency dockets.

16 So while I recognize that this
17 proceeding is clearly not the place to revise the
18 franchise agreements, which is I don't think what the
19 intervenor here is trying to do, the
20 interrelationship between those agreements and the
21 energy efficiency docket is a subject of interest and
22 that I would like to have as part of record in this

1 proceeding.

2 You know, as indicated in the previous
3 case, you know, I believe that it's consistent with
4 some of the views that have already been expressed
5 here that it's -- you know, in my view good public
6 policy for us to have a fuller record. We have to
7 make -- we're limited to the decisions that we make
8 based on the evidence that is provided in the record.
9 And while there are limits, we must follow the Rules
10 of Evidence and remain germane to the issues at hand.
11 Given that we are talking about an Energy Efficiency
12 Program here, I believe that -- and given the
13 testimony that was provided, that it meets the
14 threshold to have this testimony provided on the
15 record.

16 So I'd like to make a motion to --
17 actually to reverse the ruling made by the
18 Administrative Law Judge. So I'd like to make a
19 motion on that matter.

20 Is there a second?

21 (No response.)

22 ACTING CHAIRMAN FLORES: I don't hear a second,

1 but I want the record to reflect that, you know, when
2 we are talking about the energy efficiency portfolio
3 standard, the concept of collaboration is one that
4 includes many stakeholders. And that we -- you know
5 we can't just pick and choose who's going to
6 participate because then you wouldn't have the full
7 breadth of collaboration that we would want and that
8 I believe the state legislature has called for for
9 the purposes of achieving a very aggressive energy
10 efficiency portfolio standard.

11 I would hope -- and, again, I
12 recognize that this may not be the place to decide --
13 and I don't think, again, that the parties -- the
14 intervenor here is asking us to decide on the issue
15 of the arrangement -- the consortium that they're
16 looking for, but that we are -- the franchise
17 agreement. But that we do have an opportunity here
18 to hear an issue concerning energy efficiency.

19 So I just -- to the extent and, I --
20 you know, this is not a ruling, obviously. But to
21 the extent that we can foster increased
22 collaboration, speaking as an individual

1 Commissioner, I would greatly encourage all the
2 parties in the spirit of full collaboration to
3 discuss issues of energy and possibilities of energy
4 efficiency, especially if there is an opportunity to
5 save ratepayers more money. Because as we just
6 indicated on the record, one of our primary
7 responsibilities is to ensure that we allow for the
8 most affordable possible rates for the ratepayers in
9 the State of Illinois.

10 So those are my comments.

11 COMMISSIONER COLGAN: Mr. Chairman, I -- I'm
12 not going to be able to support your motion, but I do
13 support a lot of what you just said. You know, I
14 think the collaboration issue is really important.
15 And I think we should find ways to encourage the
16 collaboration anywhere we possibly can.

17 I kind of come down on this in the
18 terms of statutory authority to do that. And, you
19 know, I have looked for it and didn't see it. So --
20 but at the same time I think that we should encourage
21 people to do full collaboration on the wide range of
22 issues and this being a -- I agree with everything

1 you said about the importance of energy efficiency.

2 So...

3 COMMISSIONER FORD: And I certainly agree with
4 collaboration. But I guess the problem that I have
5 is the model franchise agreement because I know that
6 different territories have different issues. And I
7 do not believe one size fits all. So I certainly
8 believe in collaboration.

9 COMMISSIONER ELLIOTT: And I would echo those
10 comments. I think that -- you know, there's -- I
11 think more than a little merit in what they're
12 attempting to do, but I don't believe that is the
13 forum to engage in that. And, I, too, looked for the
14 statutory support in this and found it lacking. So,
15 I just think it may be the right idea but the wrong
16 forum.

17 ACTING CHAIRMAN FLORES: Well, someone's going
18 to have to make a motion because --

19 COMMISSIONER ELLIOTT: Well. I will make a
20 motion to adopt the recommendation of the ALJ with
21 regard to the interlocutory.

22 COMMISSIONER FORD: Second.

1 ACTING CHAIRMAN FLORES: Very well.
2 Commissioner Ford.
3 COMMISSIONER FORD: Aye.
4 ACTING CHAIRMAN FLORES: Commissioner
5 O'Connell-Diaz.
6 COMMISSIONER O'CONNELL-DIAZ: Aye.
7 COMMISSIONER FORD: Commissioner Elliott.
8 COMMISSIONER ELLIOTT: Aye.
9 ACTING CHAIRMAN FLORES: Commissioner Colgan.
10 COMMISSIONER COLGAN: Aye.
11 ACTING CHAIRMAN FLORES: And Chairman Flores
12 votes no.
13 Moving on to Telecommunications, Item
14 T-1 is Docket No. 10-0513. This is Telrite
15 Corporation's application for a Certificate of
16 Service Authority to provide resold wireless
17 communication services in Illinois. Administrative
18 Law Judge Riley recommends entry of an Order granting
19 the requested Certificate of Service Authority.
20 Is there any discussion?
21 (No response.)
22 ACTING CHAIRMAN FLORES: Any objections?

1 (No response.)

2 ACTING CHAIRMAN FLORES: We will use the most
3 favorable -- the last most favorable vote on this
4 matter. So hearing none, the Order is entered and
5 the Certificate is granted by a vote of 5-0.

6 Item T-2 is Docket No. 10-0593. This
7 is Stargate Mobile's application for a Certificate of
8 Authority to operate as a reseller of wireless
9 telecommunications services statewide throughout
10 Illinois. Administrative Law Judge Riley recommends
11 that the Commission enter an Order granting the
12 requested Certificate.

13 Any discussion?

14 (No response.)

15 ACTING CHAIRMAN FLORES: Any objections?

16 (No response.)

17 ACTING CHAIRMAN FLORES: Hearing none, the
18 Order is entered and the Certificate is granted.

19 Item T-3 is Docket No. 10-0644. This
20 is Mosaic Networx's application for a Certificate of
21 Local Exchange and Interexchange Authority to operate
22 as reseller and/or facilities-based carrier of

1 telecommunications services throughout Illinois.

2 Administrative Law Judge Riley recommends that the

3 Commission enter an Order granting the Certificates.

4 Any discussion?

5 (No response.)

6 ACTING CHAIRMAN FLORES: Any objections?

7 (No response.)

8 ACTING CHAIRMAN FLORES: Hearing none, the

9 Order is entered and the Certificates are granted.

10 Item T-4 is Docket No. 10-0661. This

11 is TDS Long Distance Corporation's application for a

12 Certificate of Wireless Authority to operate as a

13 reseller of telecommunications services in the State

14 of Illinois. Administrative Law Judge Riley

15 recommends that the Commission enter an Order

16 granting the requested Certificate.

17 Any discussion?

18 (No response.)

19 ACTING CHAIRMAN FLORES: Any objections?

20 (No response.)

21 ACTING CHAIRMAN FLORES: Hearing none, the

22 Order is entered and the Certificate is granted.

1 Item T-5 is Docket No. 08-0550. This
2 is Intrado's Petition for Arbitration pursuant to
3 Section 252(b) of the Communications Act of 1934, as
4 amended, to establish an interconnection agreement
5 with Verizon North, Incorporation, and Verizon South,
6 Incorporation. Intrado now seeks to withdraw its
7 petition and to terminate this docket. And
8 Administrative Law Judges Gilbert and Benn recommend
9 that the Commission grant the Company's request.

10 Any discussion?

11 (No response.)

12 ACTING CHAIRMAN FLORES: Any objections?

13 (No response.)

14 ACTING CHAIRMAN FLORES: Hearing none, the
15 Petition is withdrawn.

16 Items T-6 through T-10 can be taken
17 together. These times each concern joint petitions
18 for amendments to interconnection agreements under
19 47 -- under 47 U.S.C. Section 252. In each case
20 Administrative Law Judge Teague recommends entering
21 an Order amending an existing interconnection
22 agreement.

1 Any discussion?

2 (No response.)

3 ACTING CHAIRMAN FLORES: Any objections?

4 (No response.)

5 ACTING CHAIRMAN FLORES: Hearing none, the
6 Orders are entered.

7 We now move to the Water and Sewer
8 portion of today's agenda. Item W-1 concerns a
9 filing by Illinois-American Water Company of proposed
10 tariff sheets to update its sanitary sewer rules,
11 regulations and conditions of service. Staff
12 recommends that the Commission allow the Company's
13 request by not suspending the filing.

14 Any discussion?

15 (No response.)

16 ACTING CHAIRMAN FLORES: Any objections?

17 (No response.)

18 ACTING CHAIRMAN FLORES: Hearing none, the
19 filing will not be suspended.

20 Item W-2 is Docket No. 10-0736. This
21 is Illinois-American Water Company's proposed tariff
22 sheets to effectuate its purchased water surcharges,

1 qualifying infrastructure plant water surcharges,
2 purchased sewage treatment surcharges and qualifying
3 infrastructure plant sewage surcharges on less than
4 the required notice. Staff recommends the Commission
5 allow the Company's proposal by granting the
6 Company's request for special permission.

7 Any discussion?

8 (No response.)

9 ACTING CHAIRMAN FLORES: Any objections?

10 (No response.)

11 ACTING CHAIRMAN FLORES: Hearing none, the
12 request for special permission is granted.

13 There is one other matter that I'd
14 like to bring up before we officially adjourn the
15 Commission -- this meeting, rather.

16 I want to recognize someone who we
17 have tremendous amount of respect for, someone who's
18 been part of the ICC family for some time, and that
19 is Mr. Wil Nagel.

20 This is from the bottom of my heart
21 and I just wanted to say thank you, Wil, for your
22 work and your commitment and -- you know, I've been

1 here almost a year and I've been able to -- I've
2 noticed myself just the amount of workload that
3 you've carried on behalf of the ICC in your division,
4 and we're really grateful for your dedication. So
5 personally I wanted to say thank you and you've done
6 an outstanding job and you're going to be missed.

7 MR. NAGEL: Thank you.

8 ACTING CHAIRMAN FLORES: I know that the other
9 Commissioner also would like to say a few remarks.

10 COMMISSIONER FORD: Certainly I'd like to
11 concur with everything the Chairman has said. You've
12 certainly been a nice person and you've been very
13 friendly in that corner and you've allowed me to
14 enter the door when I -- so good luck on your --
15 wherever you want to go and be very successful as I
16 know you will.

17 MR. NAGEL: Thank you very much.

18 COMMISSIONER O'CONNELL-DIAZ: Well, I think
19 this is our second good-bye because Wil left us for a
20 little bit but we were lucky enough to get him back
21 and he just came at a time that we really needed
22 someone of his legal knowledge and experience and he

1 came in and saved the day. And now he's --

2 COMMISSIONER FORD: Gone again.

3 COMMISSIONER O'CONNELL-DIAZ: -- moving on to

4 greener pastures, and I mean that in the dollar

5 amount. But as I always tell everybody, you know,

6 the Commission is a big dysfunctional family and

7 we're like the mafia. So once you're in, you're

8 really never out. So we look forward to seeing you

9 at other Bar Association's things and we wish you the

10 best and know whoever -- I know you're going to a

11 firm -- and I don't even think you're going to be

12 doing transportation stuff, are you?

13 MR. NAGEL: No, I don't believe so.

14 COMMISSIONER O'CONNELL-DIAZ: No, I don't think

15 so. So -- but our paths cross at the Commission or

16 otherwise, wish you the best and you've served the

17 Commission well and we will miss you.

18 MR. NAGEL: Thank you. Thank you very much.

19 ACTING CHAIRMAN FLORES: Hold on. Hold on.

20 Hold on, Mr. Nagel.

21 COMMISSIONER O'CONNELL-DIAZ: We got to layer

22 it on.

1 COMMISSIONER ELLIOTT: Best wishes for a
2 continued success, and as Erin noted, the door's
3 always open here at the Commission if you find it's
4 not a good fit and you're not happy and you miss all
5 the excitement and enjoyment that you've gotten out
6 of your years here -- welcome back anytime. And good
7 luck and best wishes for a continued success.

8 MR. NAGEL: Thank you very much.

9 COMMISSIONER COLGAN: Ditto to what everybody
10 said and wish you the very best.

11 MR. NAGEL: Thank you.

12 ACTING CHAIRMAN FLORES: Now, you know --

13 COMMISSIONER COLGAN: Happy New Year, Wil.

14 ACTING CHAIRMAN FLORES: I always do this when
15 we have good-byes, I always have the lead of the
16 division say a few remarks.

17 So, Mary, I'm going to ask that you --

18 MS. STEPHENSON-SCHROEDER: I'm not really the
19 lead of the division. I think very highly of Wil
20 and --

21 ACTING CHAIRMAN FLORES: You're the lead
22 attorney.

1 MS. STEPHENSON-SCHROEDER: Well, actually
2 that's Steve's role.

3 MR. NAGEL: He snuck out.

4 MS. STEPHENSON-SCHROEDER: Steve snuck out.

5 I know we all think very highly of Wil
6 and we wish him well. He's been a pleasure to work
7 with and we know he'll be very successful.

8 MR. NAGEL: Thank you.

9 ACTING CHAIRMAN FLORES: That was -- she's
10 speaking on behalf of Steve.

11 MR. NAGEL: I wanted to thank you all very much
12 for letting me come back three years ago. And
13 just -- it's been wonderful opportunities for me.
14 I've learned an enormous amount and --

15 COMMISSIONER O'CONNELL-DIAZ: All the secrets
16 stay here, though, all the bad behavior that you saw.

17 MR. NAGEL: Of course. Of course.

18 And just -- you know, I said it
19 before, I wasn't looking. This was an offer that was
20 just a wonderful opportunity for me and it was a very
21 hard decision for me to make. But I feel I've made
22 the right decision and I'm very -- just thankful for

1 my time here.

2 COMMISSIONER O'CONNELL-DIAZ: Wish you well.

3 ACTING CHAIRMAN FLORES: Godspeed, my friend.

4 Okay. Judge Wallace? Your Honor?

5 JUDGE WALLACE: Yes, I'm here.

6 ACTING CHAIRMAN FLORES: You know what, I'm

7 going to get a gavel -- or a horn. I'm going to get

8 a horn.

9 Are there any other matters to come

10 before us today, sir?

11 JUDGE WALLACE: I think that should do it.

12 ACTING CHAIRMAN FLORES: That's great. Thank

13 you, sir.

14 Hearing none, this meeting stands

15 adjourned.

16 MEETING ADJOURNED

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